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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
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12 WARREN GARDNER, et al.,
13 Plaintiffs,

14 v.

15 STARKIST CO.,
16 Defendant.

Case No. 3:19-cv-02561-WHO

**[PROPOSED] ORDER REGARDING
PLAINTIFF DEPOSITIONS**

Hon. William H. Orrick

17 TARA DUGGAN, et al.,
18 Plaintiffs,
19 v.
20 TRI-UNION SEAFOODS, LLC,
21 Defendant.
22

Case No. 3:19-cv-02562-WHO

1 Having considered the Joint Discovery Dispute Statement Regarding Plaintiff
2 Depositions, all relevant briefing, any oral argument by the parties, and good cause shown,
3 it is hereby ORDERED that:

4 1. **Background.** To the extent feasible, and except for good cause shown,
5 Plaintiffs shall be deposed only once across the Related Actions. If both Defendants in the
6 Related Actions wish to question an adverse or non-party Plaintiff, both Defendants should
7 participate in a single deposition of that Plaintiff.

8 2. **Notice and Conduct of the Deposition.**

9 A deposition notice of any Plaintiff from either Defendant shall be considered notice
10 on behalf of both Defendants. Notwithstanding the foregoing, a Defendant may only notice
11 and participate in the deposition of an adverse Plaintiff. For example, StarKist may not
12 notice or participate in the deposition of Plaintiff Tara Duggan. Similarly, COSI may not
13 notice or participate in the deposition of Plaintiff Warren Gardner.

14 3. **Coordination and Admissibility.** Defendants shall coordinate to avoid
15 duplicative questioning during each Plaintiff deposition. Accordingly, regardless of the
16 Party affiliation of the questioning attorney, the testimony of any Plaintiff shall be
17 admissible in each of the Related Actions to the same extent as if taken in one of the Related
18 Actions exclusively by counsel of record in that action. The Parties reserve all other rights
19 to object to the admission of such testimony in any Action, for example, objections based
20 upon relevance or the rules of evidence.

21 4. **Duration.** Except by agreement of the Parties or a Court order allowing
22 additional time, the length of the deposition of any Plaintiff shall not exceed seven (7) hours
23 of examination on the record over one day, not including any examination by counsel for
24 Plaintiffs.

25 5. **Confidentiality.** To the extent that a Plaintiff is examined about a document
26 or subject designated as CONFIDENTIAL pursuant to the Stipulated Protective Order for
27 Standard Litigation in either of the Related Actions (*Gardner* Dkt. No. 96 and *Duggan* Dkt.
28 No. 69; together, the “Protective Orders”), that document and/or the relevant portion of the

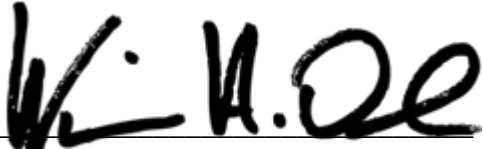
1 deposition transcript:

2 a. may be disclosed to the other Defendant's Outside Counsel of
3 Record (as defined in the Protective Orders) where the designation was made by a
4 Defendant; and

5 b. shall be deemed to be designated as CONFIDENTIAL pursuant to
6 both of the Protective Orders where the designation was made by a Plaintiff.

7 **FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.**

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10 DATED: July 14, 2021


The Honorable William H. Orrick